

REMARKS

Applicants appreciate the thorough examination of the current application as evidenced by the Office Action dated April 4, 2007 (the "Action"). Applicants also appreciate the courtesy accorded by Examiner Un C. Cho to the undersigned during a telephone interview on June 27, 2007. The present remarks shall constitute an Interview Summary pursuant to MPEP §713.04.

Applicants note with appreciation that, during the interview, Examiner Cho agreed to withdraw the rejection on pages 3-4 of the Action under § 101 of Claims 1-7, 9-16 and 20-22. Accordingly, the rejection under § 101 is considered moot and will not be further addressed herein.

The above amendments to independent Claims 1, 17 and 20 were also discussed in the interview. Agreement was not reached as to the patentability of the pending claims. However, Examiner Cho indicated that he would consider Applicants arguments. In the remarks that follow, Applicants will repeat the analysis that was made during the telephone interview and will provide additional analysis as to why the pending claims are patentable under §§ 102/103. The rejection under § 112 will also be addressed.

I. **Claims 1, 9, 12, 17 and 20 Satisfy the Requirements of § 112**

Applicants submit that Claims 1, 9, 12, 17 and 20 as originally filed comply with the written description requirement, are not indefinite and satisfy the requirements of § 112. However, Claims 1, 9, 12, 17 and 20 have been amended to expedite prosecution. In particular, independent Claims 1, 17 and 20 have been amended to delete the term "non-communication amenities" and to recite that the user request includes "one or more amenities comprising one or more of a hotel, a restaurant, a store, a park and an airport." Support for this recitation can be found, for example, in the specification on page 7, paragraph 32.

Accordingly, Applicants request that the rejections based on § 112 be withdrawn.

II. Independent Claims 1, 17 and 20 are patentable over Gray

Claims 1-4 and 11-22 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent Application Publication No. 20040203873 to Gray (Gray). Claims 6, 7 and 10 stands rejected under 35 U.S.C. § 103(a) and as being unpatentable over Gray in view of U.S. Patent Application Publication No. 2005/0136949 to Barnes (Barnes). Applicants request reconsideration of the rejections under §§ 102/103 in view of the amendments above and at least for the reasons that follow.

Claim 1 recites a method for directing a mobile user to a wireless network access point including:

receiving a mobile user request for a location of a wireless network access point via a user terminal, wherein the user request comprises one or more amenities including one or more of a hotel, a restaurant, a store, a park and an airport;

identifying a geographic location of the mobile user responsive to receiving the user request; and

identifying a wireless network access point convenient to the user that provides access to the one or more amenities.

Independent Claims 17 and 20 include recitations similar to Claim 1.

The Action cites paragraph 35 of Gray as allegedly disclosing that the user request includes a "service." As noted on page 5 of the Action, Gray discusses a user request to one or more nearby WLAN access points so that the user can have access to the Internet. Gray makes no mention of non-communications based amenities. In particular, Gray makes no mention of amenities including hotels, restaurants, stores, parks or airports as recited in Claims 1, 17 and 20. As shown and discussed, for example, in **Figure 5** and paragraph 37 of Gray, Gray appears limited to a Wireless Local Area Network (WLAN) position database **54** that finds WLAN access points **24** that are accessible by a WAN user **52**. For at least these reasons, Gray does not teach or suggest at least a user request that includes amenities including one or more of a hotel, a restaurant, a store, a park and an airport and/or identifying a wireless network access point convenient to the user that provides access to one or more of the amenities as recited in independent Claims 1, 17 and 20.

Moreover, Applicants submit that Barnes does not remedy the deficiencies of Gray. Barnes discusses a “location module” that can determine a relative location of a device to a point of interest. *See Barnes*, paragraph 94. It is also noted that Barnes conveys information about points of interest to the user via an established communication link. *See Barnes*, paragraph 94-96. Accordingly, Applicants submit that there is no reason in Barnes to identify a wireless network access point because Barnes assumes that the user has an established communication link. Therefore, Barnes teaches away from identifying a wireless network access point convenient to the user that provides access to the amenities as recited in Claim 1, 17 and 20.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent Claim 1 is patentable over Gray, and that the deficiencies of Gray are not remedied by Barnes. In addition, Applicants submit that Claims 17 and 20 are patentable for reasons similar to those discussed above with respect to Claim 1. Claims 2-7, 9-16, 18-19 and 21-22 are patentable at least per the patentability of the claims from which they depend.

III. Claim 10 is separately patentable over Gray

Claim 10 depends from Claim 1 and is patentable for at least the reasons discussed above. In addition, Claim 10 is separately patentable for at least the reasons that follow.

Claim 10 as amended recites as follows:

the user request includes a particular service provider associated with the wireless network, wherein identifying a wireless network access point further comprises identifying a wireless network access point provided by the particular service provider.

The Action takes the position that Barnes discloses selecting a communication system based on availability and cost. *See* page 8 of the Action. However, Barnes does not disclose a user request that includes a particular service provider. Accordingly, the user request includes a particular service provider so that, in some embodiments, users can choose a particular service provider of an identified wireless network access convenient to the user. Applicants submit that there is no reason to modify Barnes (which merely proposes characteristics such

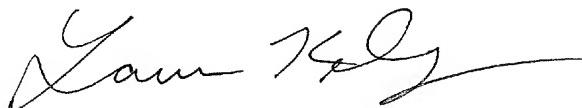
Attorney Docket No. 9400-44
Application Serial No. 10/646,962
Filed: August 25, 2003
Page 9

as availability and cost) to include this feature, and that Claim 10 is therefore separately patentable over Gray and/or Barnes for at least these reasons.

Conclusion

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

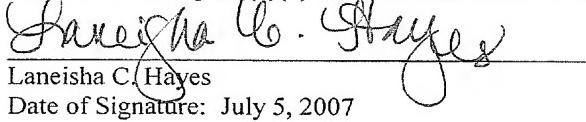


Laura M. Kelley
Registration No.: 48,441

USPTO Customer No. 39072
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on July 5, 2007.



Laneisha C. Hayes
Date of Signature: July 5, 2007